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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,847	12/21/2001	Thaylen K. Leany	03DV-9089	1175

7590

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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/026,847

Applicant(s)

LEANY ET AL.

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/21/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other:  |

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### **DETAILED ACTION**

This is the first Office Action for serial number 10/026,847, Stud Mounting System, filed on December 21, 2001. Claims 1-20 are pending.

#### ***Specification***

The disclosure is objected to because of the following informalities: on page 3, line 3 insert --in-- after "therein"; and on page 4, line 16 insert --to-- after "coupled". Appropriate correction is required.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "stator-rotor assembly" recited in claim 14 must be shown or the feature canceled from the claims. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

Claim 4 is objected to because of the following informalities: on lines 1-2, "wherein the mounting system further includes attaching the fasteners further comprises" is a generally confusing phrase. Appropriate correction is required.

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Claims 17-20 are objected to because of the following informalities: on line 1, "A housing" should be – A motor--. Appropriate correction is required.

Claim 19 is objected to because of the following informalities: on line 2, insert --one of—after " a weld". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,005,314 to Fisher et al. (Fisher) in view of Admitted Prior Art (APA) of Figure 1 in view of U.S. Patent 3,787,014 to Story et al. (Story) and further in view of U.S. Patent 4,933,809 to Boede et al. (Boede). With regards to claims 14, 16-18, and 20, Fisher discloses a motor comprising: a pair of endshields (58, 60); a cylindrical housing (54) extending between the endshields and having inner and outer surfaces; and a stator-rotor assembly (72, 80) mounted in the housing. Fisher does not disclose the housing including a plurality of fasteners attached thereto and extending outwardly therefrom. The APA of Figure 1 discloses a motor comprising a housing (12) including a plurality of fasteners (20) spaced circumferentially about the housing and extending outwardly therefrom. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the housing by providing a plurality of

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fasteners circumferentially spaced about the housing and extending outwardly therefrom because one would have been motivated to enable the motor to be attached within an application as taught by the APA of Figure 1 (lines 3-6 of page 1 of the instant specification). Fisher in view of APA of Figure 1 does not disclose the fasteners extending outwardly through openings in the housing. Story discloses a motor mount comprising a plurality of fasteners (66) secured to the inner surface of the motor (by nuts as shown in Figure 2) and extending outwardly therefrom through attachment points/openings (56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the housing by providing openings therein as an equivalent alternative means for securing the fasteners to the motor as taught by Story (col. 3, lines 27-38). Fisher in view of APA of Figure 1 in view of Story does not disclose the openings in the housing being included in raised projections extending outwardly from the housing. Boede discloses a motor mount comprising a housing member (47) including a raised projection (58) defining a recess with an opening (56) therein, wherein a fastener (52) is attached to the inner surface of the recess. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the housing by providing raised projections extending outwardly therefrom and including openings therein because one would have been motivated to eliminate mounting bolt head protrusion above the inner surface of the housing as taught by Boede (col. 4, lines 49-55). Regarding claims 1-3, the method steps recited therein are inherent to the apparatus as applied above.

Regarding claims 4 and 19, Fisher in view of APA of Figure 1 in view of Story and further in view of Boede does not disclose the fasteners secured to the housing inner surface by a weld, crimp, or adhesive. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the motor mount by substituting a weld, crimp, or adhesive for nuts attached to the fasteners (see Fig. 2 of Story) since welds, crimps, adhesives, and nuts are well known for their use in the fastening art and the selection of any of these known equivalents to secure the bolts to the housing surface would be within the level of ordinary skill in the art. Specifically regarding claim 4, the method step recited therein is inherent to the apparatus as applied above.

Regarding claim 15, Fisher in view of APA of Figure 1 in view of Story and further in view of Boede does not disclose the raised projections spaced circumferentially 90 degrees about the housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the housing by spacing the projections at 90 degree intervals about the housing since it has been held that the optimization of proportions in a prior art device is a design consideration within the skill of the art. In re Reese, 290 F.2d 839, 129 USPQ 402 (CCPA 1961).

Claims 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (APA) of Figure 1 in view of Story and further in view of Boede. With regards to claims 5, 6, 8-11 and 13, Fisher discloses a motor housing comprising: a pair of endshields (58, 60) and a cylindrical housing (54) extending between the endshields and having inner and outer surfaces. Fisher does not disclose the housing including a

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plurality of fasteners attached to the inner surface thereof and extending outwardly therefrom. The APA of Figure 1 discloses a motor comprising a housing (12) including a plurality of fasteners (20) spaced circumferentially about the housing and extending outwardly therefrom. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the housing by providing a plurality of fasteners circumferentially spaced about the housing and extending outwardly therefrom because one would have been motivated to enable the motor to be attached within an application as taught by the APA of Figure 1 (lines 3-6 of page 1 of the instant specification). The APA of Figure 1 does not disclose the fasteners extending outwardly through openings in the housing. Story discloses a motor mount comprising a plurality of fasteners (66) secured to the inner surface of the motor (by nuts as shown in Figure 2) and extending outwardly therefrom through attachment points/openings (56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the housing by providing openings therein as an equivalent alternative means for securing the fasteners to the motor as taught by Story (col. 3, lines 27-38). The APA of Figure 1 in view of Story does not disclose the openings in the housing being included in raised projections extending outwardly from the housing inner surface. Boede discloses a motor mount comprising a housing member (47) including a raised projection (58) defining a recess with an opening (56) therein, wherein a fastener (52) is attached to the inner surface of the recess. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the housing by providing raised projections extending outwardly from the inner surface thereof and

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including openings therein because one would have been motivated to eliminate mounting bolt head protrusion above the inner surface of the housing as taught by Boede (col. 4, lines 49-55).

Regarding claim 7, the APA of Figure 1 in view of Story in view of Boede does not disclose the raised projections spaced circumferentially 90 degrees about the housing. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the housing by spacing the projections at 90 degree intervals about the housing since it has been held that the optimization of proportions in a prior art device is a design consideration within the skill of the art. In re Reese, 290 F.2d 839, 129 USPQ 402 (CCPA 1961).

Regarding claim 12, the APA of Figure 1 in view of Story in view of Boede does not disclose the fasteners secured to the housing inner surface by a weld, crimp, or adhesive. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the motor mount by substituting a weld, crimp, or adhesive for nuts attached to the fasteners (see Fig. 2 of Story) since welds, crimps, adhesives, and nuts are well known for their use in the fastening art and the selection of any of these known equivalents to secure the bolts to the housing surface would be within the level of ordinary skill in the art.



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**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

3270221 and 3270222 to Shaffer; 3746289 to Johnsen;

3830595 to Carpenter et al; 3834344 to Yoshino; 3941339 to McCarty;


4452417 to Krafthefer et al; 4506179 to Chernoff et al; 5035397 to Yamada;


5718407 to Lee; 6241294 to Young et al; 6378832 to Li et al

The above references disclose mounting assemblies relevant to Applicant's invention.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 305-3598 (formal amendments) or (703) 308-3519 (informal amendments/communications).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 308-2168.

  
Naschica S. Morrison  
Patent Examiner  
Art Unit 3632  
8/26/02

  
ANITA KING  
PRIMARY EXAMINER